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10/825,180	04/16/2004	Kiyoshi Mizuki	LB-723-1504	8298
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NIXON & VANDERHYE, PC			LEIVA, FRANK M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/825,180	Applicant(s) MIZUKI ET AL.
	Examiner FRANK M. LEIVA	Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 October 2009.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Acknowledgements

1. The examiner acknowledges amendments to claims 1 and 6 in applicant's submission filed 28 October 2009.

Response to Arguments

2. Applicant's arguments filed 28 October 2009 have been fully considered but they are not persuasive for the following reasons.
3. Regarding the arguments on page 6 of applicant's remarks; "*Amended claim 1 (and equivalently claim 6 as well) now recites "wherein said viewpoint-location setting programmed logic circuitry sets the viewpoint-locations in such a manner so that each of operating objects selected by said selecting programmed logic circuitry is displayed to have approximately the same size, even If any one operating object is selected out of said plurality of operating objects different in size". Support for the amendment can be found in Figs. 8-1 1 of the instant specification. Takahashi fails to disclose or suggest the above limitation. In Takahashi, the set position of the virtual camera from the player character may depend on the size of the player character. In other words, if the player character is large, then the distance of the virtual camera from the player character is set to be large. On the other hand, if the size of the player character is small, then the distance of the virtual camera from the player character is set to be small. In Takahashi, this adjustment of the distance of the virtual camera is done for each particular player character. However, Applicant submits that even though this adjustment achieves approximately the same size for a particular game object, regardless of its size in the progress of the game (i.e., as it moves forward in a fast way or as it stays back moving slowly), this does not necessarily imply that different player objects are made to appear to have the same size by adjusting the virtual camera position, as required by amended claims 1 and 6. In other words, Takahashi does not teach making the adjustment for each player character, so that & player characters (including those having different sizes) are displayed to have the same size. Takahashi is concerned with keeping focus on a particular player character so that its size does*

not change considerably regardless of its position in the game space, not on ensuring that every selected player character out of a plurality of player characters different in size appears to have the same size. In fact, Figs. 11-13 in Takahashi show multiple characters appearing to have different sizes. In addition, Takahashi fails to teach or suggest that each of the operating objects selected by the selecting programmed logic circuitry is displayed to have approximately the same size, as discussed above." The examiner points to applicant's admission that Takahashi "achieves approximately the same size for a particular object", that object being the payers selected character as is pointed out if figures 8-11 of the present application, that is to present each players character in avatar mode approximately the same size, (applicant's figs. 9-11) while appearing in different sizes when viewed for a different angle (applicant's fig. 8).

4. Regarding the arguments on applicant's remarks on page 7; "*Regarding claims 1 and 6, the Examiner stated that "disclosed in the invention of Takahashi is the fact the invention's intention is to generate the optimum view from the avatar angle depending on the size of the character selected for viewing*", emphasis added, see lines 18- 20, p. 4 of the Office Action. Moreover, the Examiner admits that "*Not disclosed but understood is that the optimum view will generate for every character size the same size (or optimum size) on the window*" and continues "*[there exists] at least one possibility that Takahashi's viewpoint changes such that all of the objects displayed are approximately the same size-when objects are located near each other at the location displayed. Wherein by moving the camera viewpoint away for a large character and moving closer for a small character will inherently maintain the same size or optimal size of the character, at least approximately*", emphasis added, see last paragraph of p. 4 of the Office Action. Finally, in the Response to Arguments section, the Examiner stated that "*it is for that particular character for every player's view that the adjustment of Takahashi is made. Making it clear that in Takahashi every player views their character approximately the same size in their screen*", emphasis added." The applicant makes the examiner's point by admitting that Takahashi displays the characters no matter what the size, appear the same size the player watching through his display. As is described in claims 1 and 6.

5. It is the examiner's view that claims 1-10 do not include the presentation of all characters of different sizes be presented with the same size in the same image, and

that it is the present application intention to only manipulate the avatar image for each players display to achieve an optimum view of the game, and it is the same as Takahashi's disclosure. The remarks being fully reviewed are found not-persuasive and the rejections proper.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al (US 6,354,944 B1).

8. Regarding claims 1 and 6; Takahashi discloses:

An image processing apparatus that displays on a display an image in which an operating object appearing in a virtual three-dimensional space is seen from a predetermined viewpoint location, (col. 2:28-32).

An -operation controller operated by a player, (col. 2:43-47, 5:34-35).

A selecting programmed logic circuitry for selecting the operating object appearing in said virtual three-dimensional space, out of a plurality of the operating objects different in size, based on an operation of said operation controller, (col. 3:54-62 and 13:51-55), whereas the viewpoint is dependent to the size of the player character, inherently includes a plurality of sizes and thus a plurality of characters for the player or system to choose from, and wherein the picture view of the surroundings are dependent on the manipulation of the character.

A viewpoint-location setting programmed logic circuitry for setting the viewpoint location in correspondence with said operating object selected by said selecting mechanism, (13:51-55).

An image displaying programmed logic circuitry for displaying a three-dimensional image including said operating object based on said viewpoint location set by said viewpoint location-setting programmed logic circuitry, (col. 15:9-12).

Wherein said viewpoint-location setting programmed logic circuitry sets the viewpoint-locations in such a manner so that each of operating objects selected by said selecting programmed logic circuitry is displayed to have approximately the same size, even if any one operating object is selected out of said plurality of operating objects different in size, (col. 2:18-22 and 3:54-62]), disclosed in the invention of Takahashi is the fact the invention intention is to generate the optimum view from the avatar angle depending on the size of the character selected for viewing.

By adjusting the distance to the back of the character to be larger when the character is of large size and getting closer when the character is smaller, will produce the effect of maintaining the character in view of the same size in the viewing screen and maintaining the optimum view. Not disclosed but understood is that the optimum view will generate for every character size the same size (or optimum size), on the window. Simply stated, at least one possibility is that Takahashi's viewpoint changes such that all of the objects displayed are approximately the same size--when objects are located near each other at the location displayed. Wherein by moving the camera viewpoint away for a large character and moving it closer for a small character will inherently maintain the same size or optimal size of the character, at least approximately.

9. Regarding claims 2 and 7; Takahashi discloses viewpoint-location-data storing locations for storing each viewpoint location data correlated with each of said plurality of the operating objects; wherein said viewpoint-location setting programmed logic circuitry reads out from said viewpoint-location-data storing locations said viewpoint location data corresponding to said operating object selected by said selecting programmed

logic circuitry to set said viewpoint location, (col. 8:36-39), wherein viewpoint data is previously determined and stored to be accessed during the running of the program.

10. Regarding claims 3 and 8; Takahashi discloses wherein each of said viewpoint location data is set in such a manner as to be displayed as the operating object approximately the same in size even if any one of the operating objects is selected by said selecting programmed logic circuitry, (col. 2:18-21 and 8:8-12), wherein the program selects the optimum viewpoint according the player character size, it would be necessary for the system to show all characters approximately the same size as to give all players the same viewing advantage in the playing field, where in a game of limited screen display, a larger character viewed from an avatar point, would cover the screen and make it impossible for the player to view his opponent.

11. Regarding claims 4 and 9; Takahashi discloses wherein said viewpoint location data includes distance data from a point-of-regard (point B), said viewpoint-location setting programmed logic circuitry reads out said distance data corresponding to said operating object selected by said selecting programmed logic circuitry to set said viewpoint location, (Fig. 6, B1-B3, col. 8:25-39), reference point B and distance D.

12. Regarding claims 5 and 10; Takahashi discloses wherein said viewpoint location data includes angle data or height data from the point-of-regard, and said viewpoint-location setting programmed logic circuitry reads out said angle data or said height data corresponding to said operating object selected by said selecting programmed logic circuitry to set said viewpoint location, (fig. 4), wherein angle "Alpha" and height "yB" set viewpoint location to be C(xc, yc, zc).

Examiner's Note

13. Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are

representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter D. Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML
01/19/2010

/Peter D. Vo/
Supervisory Patent Examiner, Art Unit 3714